

Appl. No. : **09/873,339**
Filed : **June 5, 2001**

REMARKS

The December 22, 2004 Office Action was based upon pending Claims 1-26. This Amendment amends Claims 1-26; thus, after entry of this Amendment, Claims 1-26 are pending and presented for further consideration.

Summary of the Office Action

In the December 22, 2004 Office Action, the Examiner rejected Claims 1, 2, 5, 7, 8, 10, 11, 13, 16, 17 and 21-23 under 35 U.S.C. § 102(e) as being unpatentable by U.S. Patent No. 6,535,916 to Nguyen ("the Nguyen patent").

Further, the Examiner rejected Claims 3, 4, 6, 9, 12, 14, 15, 18-20 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,916 to Nguyen in view of Applicant Admitted Prior Art (AAPA).

Examiner Interview

Applicant would like to thank the Examiner for the interview extended to Applicant's counsel of record, John R. King on March 18, 2005. During the interview, the Examiner agreed that the proposed amendments to Claim 1 clarified the machine fingerprint aspect of the invention. Reconsideration of the pending claims, as amended, is therefore respectfully requested.

Rejection of Claims 1, 2, 5, 7, 8, 10, 11, 13, 16, 17 and 21-23 under 35 U.S.C. § 102(e)

The Examiner rejected Claims 1, 2, 5, 7, 8, 10, 11, 13, 16, 17 and 21-23 under 35 U.S.C. § 102(e) as being unpatentable by the Nguyen patent.

In one embodiment of the invention, the system uses a unique machine fingerprint that comprises a hashed string of attributes associated with an access device. This unique machine fingerprint can be used as an identifier for the access device.

The Nguyen patent, in contrast, does not use such a machine fingerprint to better identify an access device.

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With this in mind, independent Claims 1, 7, and 16 have been amended to clarify that the machine fingerprint comprises a hashed attribute string associated with one or more attributes of an access device.

Dependent Claims 2, 5, 8, 10, 11, 13, 17 and 21-23 which depend respectively from independent Claims 1, 7 and 16 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 7 and 16 and because of the additional features recited therein.

Rejection of Claims 3, 4, 6, 9, 12, 14, 15, 18-20 and 24-26 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 3, 4, 6, 9, 12, 14, 15, 18-20 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over the Nguyen patent in view of Applicant Admitted Prior Art (AAPA).

As discussed above, the Nguyen patent, in contrast, does not use such a machine fingerprint to better identify an access device.

With respect to the AAPA, Applicant does not admit that the AAPA is indeed admitted prior art. However, assuming for the purposes of this response that the AAPA is prior art, the AAPA does not use Applicant's novel machine fingerprint to identify an access device.

With this in mind, independent Claim 24 has been amended to clarify that the machine fingerprint comprises a hashed string associated with one or more attributes of an access device.

Dependent Claims 3, 4, 6, 9, 12, 14, 15, 18-20, 25 and 26 which depend respectively from independent Claims 1, 7, 16, and 24 are believed to be patentable for the same reasons articulated above with respect to Claims 1, 7, 16 and 24 and because of the additional features recited therein.

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Conclusion

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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